

EXHIBIT A

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLING'S SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

X

SECOND DECLARATION OF DENNIS CANALE

I, Dennis Canale, state as follows:

1. I am the varsity head baseball coach at Xaverian High School in Brooklyn, New York. I have held this position for 9 years. I am familiar with the practices of New York City high school baseball teams. If sworn as a witness, I could testify competently to the facts contained herein.

2. I have reviewed the July 6, 2007 Reply Declaration of Jerald Horowitz, and his Exhibit D30 thereto. In this declaration, Mr. Horowitz attempts to estimate the number of games New York City high school baseball teams play against out of state opponents. Mr. Horowitz's estimate, and the data he reviewed in support of this estimate, are inaccurate, and based on incorrect assumptions.

3. According to his Exhibit D30, Mr. Horowitz indicates that no New York City Public School Athletic League team played any baseball games against opponents from outside New York State. This is incorrect. I have personal knowledge that Tottenville, James Monroe, and George Washington high schools each played at least two games against teams located outside the State of New York. Moreover, other New York City PSAL teams with whom I have less familiarity likely also play games against out-of-state teams.

4. Mr. Horowitz's mistake appears to be his reliance on Public School Athletic League's ("PSAL") website for the schedules of New York City local high school teams. In footnote 1 to his Reply Declaration, Mr. Horowitz states that the schedules he examined for New York City public high school teams found on the website <http://psal.org>. This website does not list any games played against non-New York City public school teams. It only includes the PSAL schedule. For example, last year, my program, Xaverian High School, played against

James Monroe, George Washington, and Tottenville High School. None of these games appear on the PSAL website.

5. Mr. Horowitz also relies on a website entitled www.highschoolsports.net. This website is also inaccurate. For example, this website reports that only a single game was played in 2006-2007 by Archbishop Molloy High School, one of our rivals. This is obviously inaccurate as well.

6. Exhibit D30 to the Horowitz Reply Decl. also does not take into account the games played by Moore Catholic and Monsignor McClancy High Schools of the CHSAA in Florida last spring.


7. For these reasons, Mr. Horowitz's statement that only 1.25% of all New York City high school baseball games occur against out of state competition is drastically understated.

8. Mr. Horowitz's conclusion that "the number of games New York City high school baseball teams play against out-of-State opponents is de minimis" is wrong for another reason. Reply Declaration of Jerald Horowitz at ¶ 4. Mr. Horowitz does not take into account the importance of "showcase" games against out-of-state schools both inside and outside New York City. These games, including the tournament games many New York City high school teams play in Florida, tend to be very important high profile games that lead to scholarship opportunities for New York City high school players.

9. The New York City Bat Ordinance will make games against out-of-state schools very difficult to schedule in upcoming years, as many programs will not be able to afford to buy metal bats for use in out of state games, and out of state teams will be unwilling to buy a full set of wood bats only to play a handful of games in New York City.

10. I declare under penalty of perjury that the foregoing is true and correct.

This 13 day of July, 2007.


Dennis Canale